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Jeanne M. Zolezzi

September 25, 1998

Mr. Whalen Toy
State Water Resources Control Board
Division of Water Rights
Post Office Box 2000
Sacramento, California 95812-2000

Dear Whalen:

I received your September 21, 1998 letter to The West Side Irrigation District, which apparently crossed my September 18, 1998 letter in transmission. I wanted to take this opportunity to tie up loose ends between the letters.

Your letter states that "WSID needs to proceed with the petition for change, at least to the increased place of use, in accordance with Section 1700 of the Water Code." We agree that a petition for change would have to be filed if WSID intended to use any of the water derived from License 1381 on these lands. However, at this time, there is sufficient water available to the district other than under its license to provide this land with water, and the small acreage does not appear to warrant the substantial expense of pursuing a petition for change. Consequently, WSID will continue to serve this land with water from alternative sources, and will not pursue a petition for change.

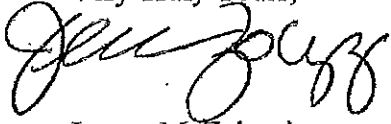
Your letter also indicated that the alternative sources of water available to WSID can either be appropriated under License 1381 or obtained under a new appropriation. It is our position that this water is not subject to appropriation, because it does not reach a natural watercourse. This water is pumped from a man-made canal. Consequently, WSID has the right to use this water without a permit from the State Water Resources Control Board. As such, WSID does not need to divert such water under the terms of its License, it does not need to file a new appropriation, and it does not need to provide the Board with copies of agreements entitling it to use this water.

Finally, your letter references M&I use of water. WSID does not currently use any of its appropriated water for M&I uses. In the future, if it wishes to do so, we understand that a petition for change will be required.

Mr. Whalen Toy
September 25, 1998
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Please confirm your understanding of the items set forth above. Thank you for your assistance.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Jeanne M. Zolezzi".

Jeanne M. Zolezzi
Attorney-at-Law

JMZ:des

cc: The West Side Irrigation District